

App. Serial No.: 09/816,951

Atty. Docket No.: 0011-048

REMARKS

These remarks are in response to the Final Office Action dated August 9, 2004, which has a shortened statutory period for response set to expire November 9, 2004. No extension of time is required.

Claims

Claims 1-27 are pending in the above-identified application. Claims 1 and 26 are rejected over prior art, and Claim 27 is withdrawn from consideration by the Examiner. Claims 12-25 are allowed, and Claims 2-11 are objected to. Claims 1 and 27 are amended. Claims 2-26 remain as filed or previously amended. Reconsideration is requested.

Rejections Under 35 U.S.C. § 103Claims 1 and 26:

Claims 1 and 26 are the only pending claims rejected over prior art. Claim 1 is rejected under 35 U.S.C. § 103 as being unpatentable over Spring (US 6,480,347). The Examiner writes:

Spring discloses a holding apparatus comprising: -a support [10] having a grip face [figure 1] including a plurality of magnet means [30A-30D] adapted to abut an prism carrier/optical device [22]; and - magnet means [28A-28D] mounted on the optical device to selectively magnetically engage the support.

Spring discloses the instant claimed invention except for the optical device being an imager.

It would have been obvious to one having ordinary skill in the art at the time the invention was made that the support design of Spring could have been used to support an optical imager in order to facilitate positioning and interchangeability thereof.

Applicant respectfully traverses and respectfully asserts that Claim 1 is patentable over the cited reference for at least the reasons set forth in Applicant's previous response, which are incorporated herein by reference.

On November 8, 2004, a telephone interview was held between Examiner Lincoln Donovan and Applicant's attorney Larry E. Henneman, Jr.. Applicants acknowledge and appreciate the constructive assistance of the Examiner provided during that interview.

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During the interview, it became apparent that the main point of contention was the interpretation of the phrase "selectively, magnetically engage" in Claim 1. Examiner Donovan indicated that this phrase was being interpreted to include simply applying enough physical force to overcome the attractive force of a magnet. Mr. Henneman pointed out that this interpretation was not intended, and was contrary to the arguments set forth in Applicant's previous response. Accordingly, language to clarify Claim 1 was discussed. Agreement was reached that adding the words "by altering the magnetic field relative to the grip face" to Claim 1 clarified the distinction over the prior art, and placed Claim 1 in condition for allowance. Accordingly, Claim 1 is amended herein to include the clarifying language.

Claim 26 depends from Claim 1 and is, therefore, allowable over the prior art of record for at least the same reasons as Claim 1.

During the interview, Mr. Henneman also pointed out the similarity between Claim 1 and Claim 27, and requested clarification of Examiner Donovan's reasons for withdrawing Claim 27 from consideration. Upon reconsideration, Examiner Donovan agreed to rejoin Claim 27. Mr. Henneman agreed to amend Claim 27 for clarification, similar to Claim 1 discussed above.

For the above reasons, Applicant requests withdrawal of the rejections under 35 U.S.C. § 103 of Claims 1 and 26, and the rejoinder and allowance of Claim 27.

Conclusion:

All other pending claims are either allowed (Claims 12-25) or indicated to include allowable subject matter (Claims 2-11).

For the foregoing reasons, Applicant believes Claims 1-27 are now in condition for allowance. Should the Examiner undertake any action other than allowance of Claims 1-27, or if the Examiner has any questions or suggestions for expediting the prosecution of this application, the Examiner is requested to contact Applicant's attorney at (269) 279-8820.

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Respectfully submitted,

Date: 11/9/04

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*Larry E. Henneman, Jr.*  
Larry E. Henneman, Jr.

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